

HAMPTON PLANNING BOARD – MINUTES
JULY 6, 2005 – 7:00 PM

PRESENT: Tracy Emerick, Chairman
Tom Higgins, Vice Chairman
Fran McMahon, Clerk
Robert Viviano
Tom Gillick
Keith Lessard
Cliff Pratt, Selectman Member
Mark Fougere, Interim Town Planner
Jamie Steffen, Town Planner

ABSENT:

Chairman Emerick began the meeting at 7:00 PM by introducing the Board members. Mr. Steffen led the Pledge of Allegiance to the flag.

WITHDRAWAL

10. Paul W Hobbs 1989 Trust
Lot Line Adjustment at
67 + 71 Mooring Drive
Map 289 Lots 39 + 40
Waivers from Subdivision Regulations V.E (Detailed Plan) and VII C (storm drainage)
Owner of Record: Paul W Hobbs

Chairman Emerick announced that this applicant wished to withdraw the application until after he had been heard at the Zoning Board of Adjustment.

NEW PUBLIC HEARINGS

1. Todd Loiseau/Richard Stiles
Condominium Conversion at
19 Fuller Acres
Map 265 Lot 64
Waiver from Subdivision Regulations
Section V.E (Detailed Plan) and VII.D (Storm Drainage)
Owner of Record: Mark & Valerie Loopley

Stephen Ells, Attorney, and Mr. Ernie Cote, Surveyor, presented this application. Mr. Ells described the conversion of this 3-unit dwelling, indicating that there would be no physical changes to the property, but merely a change of ownership. He described the parking situation.

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BOARD

Mr. Higgins stated that there are 3 legal parking spots on this property if they are configured in a certain manner.

Mr. Gillick stated he was in favor of taking the planter out to increase the parking area. He then indicated that he was concerned about the single entryway to the 3 units.

Mr. Jim Kennedy, Yankee Trader Realty for the property, described the entrance. In response to Mr. Gillick's question, Mr. Kennedy indicated that the condominium association would be responsible for maintaining the common entry area.

Mr. McMahon noted that Mr. Ells' comment about the town "reclaiming" its land was an inaccurate comment, since the town never relinquished the land. Mr. Ells concurred.

Mr. Higgins asked if the parking spaces would be numbered and assigned as limited common area and specified as such in the condominium documents.

Mr. Lessard asked about the nonconforming setbacks for the shed on the property that appeared on the site plan to be recorded. He echoed previous Board comments regarding removing the planter.

Chairman Emerick then announced that for all condominium conversions, going forward, floor plans would be required.

It was the general consensus of the Board that the planter should be removed.

PUBLIC

No comment

BOARD

Chairman Emerick asked Mr. Fougere for his comments on the application.

Parking spaces need to be marked and designated.

MOVED by Mr. Gillick to grant the waivers from Subdivision Regulations Section V.E (Detailed Plan) and VII.D (Storm Drainage)

SECOND by Mr. Viviano

VOTE: 7-0-0

MOTION PASSED

MOVED by Mr. Gillick to grant the condominium conversion subject to the following conditions:

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- The planter is to be removed to enlarge the parking spaces.
- Floor plans shall be added to the plan set and recorded.
- A note shall be added to the plan that states “ This plan shows a number of legal, pre-existing nonconformities to the Town of Hampton Zoning Ordinance”.
- Each unit shall obtain a separate occupancy permit from the Building Inspector prior to any unit being sold.
- The parking spaces shall be designated to each unit and marked as such on the ground.
- The plan will clarify that this is a three-unit building.
- A pin shall be established in the southwest corner of the property and depicted on final plan.
- Revised plans, mylar and recording fees shall be submitted.

SECOND by Mr. Viviano

VOTE: 7-0-0

MOTION PASSED

2. David F & Ann L Brussard
Special Permit to Impact Wetlands Buffer at
1032 Ocean Boulevard
Map 116 Lot 24
Owner of Record: /David F & Ann L Brussard

Corey Caldwell, AMES MSC Architects and Engineers, presented this application. He stated that this proposal was to remove 2 wooden structures and to replace them with one wooden structure. It is currently 28 feet from the highest observable tide line. The new structure will be 35 feet from the highest observable tide line. There will also be a decrease of 169 square feet of coverage in the buffer zone.

Under the new proposal there will be an additional 7 feet of buffer area. Runoff can be diverted to the West and away from the ocean.

The applicant appeared before the Conservation Commission on May 24th. Their stipulation was that walkways and patios would be constructed with echo pavers.

BOARD

Mr. Gillick asked about the roofed “deck” which the Conservation Commission expressed a concern about in its letter.

The applicant has agreed to the stipulations in the Conservation Commission letter.

Mr. Caldwell commented that the plan includes stairs down to the beach. This will require permission of the Selectman, since the stairs will be on Town land.

Mr. Higgins asked for clarification of the owner’s property line. He asked how the owner’s would secure the right to build stairs on property they didn’t own.

Mr. Gillick asked if there were stairs existing. Mr. Corey responded that there were damaged stairs there now.

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Chairman Emerick asked Mr. Fougere for his comments on the application.

MOVED by Mr. Higgins to grant the special permit to impact the Wetlands Buffer, subject to the conditions in the Conservation Commission's letter of May 25th and its stipulations checklist, not approving the construction of stairs.

SECOND by Mr. Gillick

VOTE: 7-0-0

MOTION PASSED

3. Susan B Moran
Special Permit to Impact Wetlands Buffer at
1066 Ocean Boulevard
Map 98 Lot 24
Owner of Record: Susan B Moran Trust

Mr. Alex Ross, Ross Engineering, presented the application. He stated that Ross Engineering had prepared a plan to repair the existing concrete seawall in kind.

BOARD

Mr. Higgins asked about the existing stairs. Mr. Ross said they are removable aluminum stairs.

Mr. McMahon asked if the flood elevation had changed since the wall was originally built.

Mr. Gillick asked if the wall was at grade. Mr. Ross said that it currently was, but that the neighbors have asked that it be raised to be even with their walls.

Mr. Higgins asked for clarification of the wetland line. Mr. Ross indicated that the wall is at the highest observable tide line.

Mr. Lessard indicated that the footprint of the structure should be reflected on the plan.

PUBLIC

No comment

BOARD

Mr. Fougere reviewed the Conservation Commission comments and its checklist items.

MOVED by Mr. Viviano to grant the Special Permit to impact the wetlands buffer, Job #04-039, with stipulations as follows:

- The height of the wall will match the height of the abutters' walls on either end.

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- The applicant will continue to use the attached stairs and will not construct a new set of stairs.
- The Conservation Commission will be notified at the start and finish of construction.
- Lawn care must follow the guidelines set forth in the Shoreland Protection Act. Grass clippings will not be placed in the buffer or in the wetlands.
- Proper erosion control will be in place before construction begins and remain in place until the area is stabilized and removed after construction is complete.
- The buffer should remain undisturbed to the degree possible in the process of construction and elevations not be changed. No additional fill is allowed. No change in elevation is allowed using existing fill.
- Prior to c/o, spot elevation grades shall be submitted.
- There are to be no additional structures such as sheds, swimming pools, gazebos, patios or other sealed surface in the buffer, other than that shown on the plan. A new Special Permit is required for the erection of any structure in the buffer.
- The Conservation Commission will be notified in writing upon commencement and completion of the project and before occupancy permit is issued.

SECOND by Mr. Lessard

VOTE: 7-0-0

MOTION PASSED

4. Bay State Design
Preliminary Design Review
169 Winnacunnet Road
Map 177 Lot 42
Owner of Record: NYNEX/N.E. Telephone Co

Mr. David Mains, Project Manager for Bay State Design, represented Verizon, the owner, for this application.

Mr. Mains stated that the existing building has exceeded the capacity of the existing cooling system. They are proposing to replace the HVAC system. This will involve removing two existing condensers, a fence and a concrete pad and installing two new dry coolers on concrete pads and building a new fence around the units. The new fence will be 5 or 6 feet out from the existing fence. A new door will also be required.

The biggest concern with the proposal is the parking situation. They will be cutting into the parking area and are proposing to extend parking at the back of the lot 10 or 15 feet to compensate for the parking being lost.

The applicant is going before the Zoning Board of Adjustment this month because this is a commercial use in a residential zone.

BOARD

Chairman Emerick asked if the new units would be louder than the existing ones. Mr. Mains said yes they would be. He indicated that the new units would run only during hotter periods of the day. Currently, there is continuous running of the existing units because of their inadequacy to meet cooling needs of the building.

Mr. Lessard asked for clarification of the parking expansion. The expansion would be to the East. Their intent is to increase the parking lot size at the same time as the HVAC project.

Mr. Lessard then asked for clarification of the amount of sealed surface with the parking lot expansion. It will be 46% of the lot.

Mr. Gillick asked if the facility would be able to take care of Hampton's phone needs for the foreseeable future. Mr. Mains stated that the need for the HVAC upgrade results from new equipment installation. Mr. Gillick commented that it is important to know, as planners, what Verizon's long range plans are.

Mr. Mains said that he would convey that message to Verizon so that a Verizon representative can be present at the future meeting to address the issue of their long-range expansion plans.

Mr. Lessard asked about the generator.

PUBLIC

No comment

BOARD

Mr. Mains and the Board agreed the parking expansion should be part of the application.

Mr. McMahon asked for clarification of whether the parking lot expansion would impact wetlands or buffers.

Mr. Mains thanked the Board for their input.

5. John Tinios
Site Plan Review of addition
325 Lafayette Road
Map 175-176 Lots 10, 13, 15, and 20
Waiver from Section VII.D (Storm water study)
Owner of Record: John Tinios et al.

Mr. Stephen Ells, Attorney, Lisa DeStefano, Architect, Joe Coronati, Engineer, and John Tinios, Owner, presented this application. Mr. Ells stated that the second floor of the addition would be increased office space. The first floor will be increased take-out space, increased waiting area space and a redesign of the handicapped entrance.

Ms. DeStefano then described the project. She indicated that the addition would be bringing the building up to present day building and life safety codes with respect to guardrails and handrails, the pitch of the handicap entrance ramp and an air lock vestibule. She indicated that the side entrance would also be covered to improve accessibility.

BOARD

Mr. Higgins asked how patrons would enter building during construction. Ms. DeStefano said they are working with contractors on that now.

Mr. Higgins asked if all parking entrances would remain the same. Mr. Tinios said they would probably close the entrance on the corner, but leave the Route 1 and Winnacunnet Road entrances the same.

Mr. Gillick asked what the construction schedule would be. Mr. Tinios said they would probably start in September and finish in January.

Mr. McMahon asked for clarification that there would be a single handicapped entrance. Mr. DeStefano indicated that was the case.

Mr. Coronati then described the changes to the handicapped parking spaces. Mr. Coronati said there would be the same number of handicapped spaces and a net loss of 4 spaces with the addition.

Mr. Higgins commented there might be a gain in spaces with closing off the corner entrance.

Mr. Viviano asked if anyone else would use the additional office space. Mr. Tinios said it would be used by Galley Hatch employees only.

Mr. Gillick asked for clarification that there are six handicapped spaces for the building and eleven total handicap spaces for the whole complex.

PUBLIC

No Comment

BOARD

Mr. Fougere indicated there is a waiver request for storm water drainage that needs a decision of the Board.

He noted that Mr. Coronati's parking figures should be added to the plan. This should include a detailed breakdown of required spaces for both the existing and proposed site uses.

There should be a drive aisle center white line to the south of the proposed expansion to help people get around the addition. The centerline should begin at the Lafayette Road entrance and proceed east to the proposed handicap parking spaces.

The plan needs a survey stamp.

He asked if the Board wished to have the plan go out for departmental review and engineering review.

He noted that cross access easements should be submitted to the Town Planner for review and approval. These documents shall be recorded upon approval of the site plan.

He questioned whether bonding is needed by the Department of Public Works. A site bond escrow account is to be established after review and approval has been obtained from the Department of Public Works and the Planning Board.

MOVED by Mr. Gillick to accept jurisdiction of the application to a date certain of August 3rd to send the plan out for departmental review and to inform Ambit Engineering that we do not wish a storm water study.

SECOND by Mr. Pratt

There was a discussion of the waiver of the storm water study. There was a consensus that the study was not needed.

VOTE: 7-0-0

MOTION PASSED

6. Richard F Dumore
Lot Line Adjustment
17 Hayden Circle
Map 70 Lot 25
Owner of Record: Richard F Dumore

Richard Dumore presented his application. He is looking to transfer 477 square feet from an abutting lot to be able to have setbacks needed to construct a garage.

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BOARD

No questions

PUBLIC

No Comment

BOARD

MOVED by Mr. Lessard to grant the lot line adjustment subject to the following conditions:

- Final plans, mylar and recording fees shall be submitted.

SECOND by Mr. Viviano

VOTE: 7-0-0

MOTION PASSED

7. Michael Hunkins Construction Co Inc
Special Permit to impact wetlands in conjunction with addition
14 Rings Terrace
Map 221 Lot 21
Owner of record: Matthew K Warth & Kristen D Robinson

Mr. Michael Hunkins presented this application. He presented the application on behalf of the owners. The plan is to add a room above the garage on the right side of the building. This structure is in the wetland buffer zone.

BOARD

No questions

PUBLIC

No comment

BOARD

Mr. Fougere discussed the Conservation Commission conditions.

MOVED by Mr. Lessard to grant a special permit to impact the wetlands subject to the following conditions:

- The Conservation commission will be notified at the start and finish of construction and before occupancy permit is issued.
- Lawn care must follow the guidelines set forth in the Shoreland Protection Act. Grass clippings will not be placed in the buffer or in the wetlands.
- Per the state Shoreland Protection Act, no more than 50% of the trees shall be cut within a 20-year period.

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- The buffer should remain undisturbed to the degree possible in the process of construction and elevations not be changed. No additional fill is allowed. No change in elevation is allowed using existing fill.
- There are to be no additional structures such as sheds, swimming pools, gazebos, patios or other sealed surface in the buffer, other than that shown on the plan. A new Special Permit is required for the erection of any structure in the buffer.
- Proper erosion control will be in place before construction begins and remain in place until the area is stabilized and removed after construction is complete. (Silt fence and hay bales)

SECOND by Mr. Gillick

VOTE: 7-0-0

MOTION PASSED

8. Patrick Mulcahy
Condominium Conversion at
16 Bragg Avenue
Map 292 Lot 44-1
Owner of Record: James M Watson

Peter Saari, Attorney, and Ernie Cote, Surveyor, presented this application. Mr. Saari stated that there are now 3 units in this structure and 3 parking spaces.

BOARD

Mr. Higgins asked for clarification that nothing changed except the number of units. Mr. Gillick said that today he saw a dumpster on the west side of the building. He asked for clarification of the parking situation, based on his viewing of the property.

Mr. Higgins asked if the parking would remain permeable and if it would be marked.

Mr. Mulcahy described that there were 2 stacked parking spots near the dumpster. There are 2 additional spots where the porch used to be. He indicated that the spaces could be marked. He confirmed that the porch was removed to increase the parking.

Mr. Gillick asked Mr. Fougere for clarification of the plan note regarding pre-existing nonconformities on the property. Mr. Fougere described the note.

PUBLIC

No Comment

BOARD

Mr. Fougere reviewed his comments and recommended conditions with respect to this application. Mr. Higgins added that another condition should be that the driveway remain permeable.

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MOVED by Mr. Viviano to grant waivers from Section V.E. (Detailed Plans) and Section VIII. C. (Storm Drainage) of the Subdivision Regulations.

SECOND by Mr. Higgins

VOTE: 7-0-0

MOTION PASSED

MOVED by Mr. Viviano to approve the condominium conversion subject to the following conditions:

- Floor plans will be added to the plan set and recorded.
- Each unit shall obtain a separate occupancy permit from the Building Inspector prior to any unit being sold.
- The plan will clarify that this is a condominium conversion for three units.
- Parking shall consist of permeable spaces and each parking spot will be marked on-site.
- Condominium documents will be submitted.
- Revised plans, mylar and recording fees shall be submitted.

SECOND by Mr. Higgins

VOTE: 7-0-0

MOTION PASSED

9. Jeffrey Fahey

Site Plan Review for elevation of building at

9 Cole Street

Map 275 Lot 6

Waiver from Regulation Section III, A.3

Owner of Record: Jeffrey Fahey

Mr. Stephen Ells, Attorney, Mr. Jeffrey Fahey, Owner. and Mr. Ernie Cote, Surveyor, presented this application. Mr. Ells described the project. He indicated that they had been to the Zoning Board of Adjustment for relief from setbacks requirements and expansion of a nonconforming use. He said he did not believe the project would have a negative impact on neighborhood. The Building Inspector has already indicated that there will be a need to sprinkler building and upgrade wiring etc. if this project goes forward.

He is asking for a full waiver or, at the least, a waiver from Subdivision Regulations for a detailed plan and drainage.

BOARD

Mr. Higgins gave his compliments to Mr. Fahey for coming forward with a plan that creates parking in this neighborhood.

Mr. Gillick asked for the final height of the structure. It will be 31 feet.

Mr. Gillick stated that he is delighted that Mr. Fahey is coming forward with a positive step to improve the parking situation in the neighborhood.

PUBLIC

Gene Webster, 13 Cutler Avenue, requests denial of this waiver, because this is a nonconforming building on a nonconforming street. He believes the parking problem will continue. He stated the garage on this property is a living space and the porches are enclosed.

Michael Dell'Aquila, 11 Cutler Avenue, asked the Board if they had seen property. He stated he would now have a brick or concrete wall in his back yard. He said the building now has 1 parking space in the driveway and 3 spaces in front on the street, designated as such with items in the street. He indicated that there is no more than a 4-½ -foot setback in every direction.

Chairman Emerick said that these issues were Zoning Board issues. Variances were granted by the Zoning Board for setbacks and nonconforming use. Abutters can appeal the Zoning Board's decision for 30 days from their 6/17th decision.

Tom Mahoney, 7 Cole Street, said there is a cement column that he has been told is the property line. He stated that 2 inches of the Fahey house is on his parents' land. He asked if there would be any further encroachment on his family's property with this project. Mr. Fahey stated that the garden and front steps will be removed but the porch will remain.

Mr. Mahoney stated his concern is that this new garage will become an apartment.

Judith Webster, 13 Cutler Avenue, said that she is asking the Board to require that the applicant submit a plan, since the current application is for a waiver from the site plan.

BOARD

Mr. Gillick stated that he believes that Cole Street is a fire lane, and there is no on street parking whatsoever on Cole Street.

Mr. Lessard asked the applicant if the neighbors would be looking at a concrete wall. Mr. Fahey stated his objective was to improve the appearance. Siding would extend to with a couple of feet from the ground.

MOVED by Mr. Higgins to grant the waiver from Regulation Section III, A.3, the Site Plan Regulations subject to the following condition:

- The Plan should clarify that this is a 3-unit building.

SECOND by Mr. Gillick

VOTE: 7-0-0

MOTION PASSED

CONTINUED PUBLIC HEARINGS

11. Three LG, LLC

Site Plan Review to construct a two-story addition with a footprint of 793 sq. ft (total additional square feet 1,586) to the barn for office use together with associated parking at

143 Winnacunnet Road

Map 176, Lot 24

Owner of Record: Same as above

Jurisdiction accepted April 6, 2005

11a) Three LG, LLC

Special Permit to temporarily impact the Wetland Conservation District at

143 Winnacunnet Road

Map 176 Lot 24

Owner of Record: Same as above

Michael Donahue, Attorney and Joe Coronati, Engineer, presented this application. Mr. Coronati said he submitted plans responding to all comments from Ambit Engineering. He described the detention pond with the berm. Ambit wanted trees removed from the top of the berm. Mr. Coronati feels they will lose their effectiveness if they are placed lower. He asked for the Board's opinion on this point.

Mr. Fougere stated the purpose of removing the trees would be to allow a backhoe up there for maintenance. In this case, since the pond is small, it could be maintained by hand. Ambit's concern is that this would set a precedent. Mr. Fougere's opinion was that the wishes of the abutters and the Conservation Commission outweigh the risk of setting a precedent.

Mr. Coronati said there is a potential drain line running through the site but no one can find the end of it. Ambit had commented on the pipe. They would like to put a note on plan with respect to this pipe.

BOARD

Mr. Fougere said Ambit Engineering also felt there were discrepancies between the site plan and the architectural plan.

The Department of Public Works would like to see sloped granite curbing at the entrance to the site and improved paving within the present shoulder area.

Mr. Donahue stated he and the principals had met with Attorney Salomon and the abutter to discuss screening. He stated the applicants are anxious to provide the appropriate screening.

Mr. Gillick and Mr. Lessard indicated lighting in the back is needed so that the driveway is safe and there is safe passage from vehicles to the structure.

Mr. Fougere said Ambit also brought up whether visitors would park on the left side of the property, because there is no walkway there. Mr. Donahue said the left side parking would be for employees and tenants only. Mr. Bean said there would be an employee entrance on that side.

PUBLIC

John Anthony Simmons, Attorney, represented Deborah Cullen, an abutter, and stated that his client's current issues are the following:

- 1) Landscaping plan – there are mature trees on the property that do not appear on the existing conditions plan. Mr. Coronati said that there are existing trees showing on the plan under a single designation (clumped together). They are indicated as to be saved. Mr. Simmons stated that his client wants to be sure that the trees remain for sight and drainage. This abutter is above ground level. She is at a higher elevation in her dwelling. Even with fast growing trees, she would not have the screening immediately. Mr. Coronati said the mature trees are at the beginning of the property. There is a gap in the tree line where shrubs have been planted. The shrub area is where new trees will be planted. Mr. Coronati said the mature trees will not be removed at the entrance. Ms. Cullen asked about the trees in the rear near the detention pond. Mr. Coronati said all trees on the east side can be saved. They will just need to trim some branches. Mr. Donahue said a large tree in the middle of the Bean lot has to be removed. That tree is in the detention pond area. The trees on the property line are deciduous. Mr. Coronati said Ms. Cullen's deck is 4-5 feet up from the property. 51.5 feet is her deck elevation. The parking lot is a foot up from existing ground level.
- 2) Mr. Simmons said their second issue is that his client feels she is higher than 4-5 feet over the parking lot. Mr. Coronati said he believes that the trees will give good screening.

The public hearing was suspended at this time with the understanding that it would be resumed after the next application on the agenda.

12. Condo View Realty Trust

Carolyn N Rioux, Trustee

Site Plan Review to construct 15 residential condominium units in seven buildings each containing two units; occupancy to be limited by RSA 354-A: 15, "Housing for Older Persons" at 30 Towle Farm Road

Map 123, Lot 3

Owner of Record: Same as above

New - Withdrawn at April 6, 2005 meeting

12a) Condo View Realty Trust

Carolyn N. Rioux, Trustee

Special Permit to Impact Wetlands Conservation District in conjunction 7-building, 14-unit condominium at

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30 Towle Farm Road
Map 123, Lot 3
Owner of Record: Same as above

Stephen G Ells, Attorney, Peter Ross, Principal, and Henry Boyd and Norman Brown of Millenium Engineering, presented this application.

Mr. Ells reviewed what has transpired since the last time this application was before the Planning Board. He reviewed discussions with and a site walk with the Conservation Commission. Ambit Engineering has responded with an initial set of comments. Mr. Fougere had noted the problem of site distance. They decided that Millenium Engineering would submit site distance data that could be sent to a traffic engineer. He said that today Inspector McDonald at the Fire Department reported that a fire hydrant needs to be shown on the plan.

Mr. Fougere provided a Department of Public Works memo to Attorney Ells.

BOARD

Mr. Gillick asked for clarification of what the Board wished to accomplish on this application tonight.

Attorney Ells said there is also the need for a landscape plan. There had been previous discussion of plantings and fencing.

Mr. Boyd stated that they intend to incorporate all of Ambit Engineering's comments/suggestions into their plan. They agree with all of them.

Mr. Boyd pointed out the fire hydrant on the plan, but said he is going to discuss this with the Fire Department further, since it may be more advisable to have the hydrant on Towle Farm Road.

Mr. Boyd then talked about the Conservation Commission site walk and discussion of the detention pond. The Conservation Commission would like the pond out of the buffer area. The Conservation Commission's suggestion was to reduce the size of the impervious surface. He said, to accomplish this, the turnout would be made with grass pavers.

Mr. Boyd said that when the plans come back they would be 100% compliant with Ambit Engineering's review.

Mr. Brown distributed the conclusion of Millenium's traffic study. They used radar to check speed east and west bound on Towle Farm Road.

PUBLIC

Barbara Rindfleisch, 10 Riverwalk, said there is water runoff going off in the direction of her property. She asked if anything would be done to alleviate that.

Mr. Boyd described how water would drain to the East from the rooftops. He said with the grade of land water will never be directed to her property.

She then asked about the mature trees on the east and south property lines. It was determined that the plan was to remove these trees.

It was clarified that the applicant did offer to plant trees on the abutter's land.

Marlene MacKinnon, 22 Drakes Landing, said her concern involved the wetland. She said there are only 16 units in Riverwalk. They have lost 50% of owners since this project started.

Jim McLaughlin, 44 Drakes Landing, President of the Riverwalk Condominium Association, said the Association was interested in selling land to Mr. Ross to move the project west. But the Association could not get 100% vote from its membership. He said the Association has concerns about the project.

He asked if there would be gutters. Mr. Ross said yes. They would drain underground to the detention pond. Mr. Boyd said they are not shown on the plan that way. Mr. Boyd said they might go underground or they might leach into the ground.

Mr. McLaughlin asked about the emergency spillway. Mr. Boyd and Mr. McLaughlin then discussed drainage.

BOARD

Mr. Gillick suggested that the applicant send a letter to the Riverwalk Condominium Association regarding a meeting on drainage and trees.

MOVED by Mr. Viviano to continue this hearing to a date certain of July 20th.

SECOND by Mr. Lessard.

VOTE: 7-0-0

MOTION PASSED

The public hearing of Three LG resumed at this time.

PUBLIC

Mr. Simmons said the applicant and the abutter had reached agreement that 3 or 4 landscape screening trees will be 12-14 feet in height.

BOARD

MOVED by Mr. Lessard to grant special permit to temporarily impact the Wetlands Conservation District.

SECOND by Mr. Viviano

VOTE: 7-0-0

MOTION PASSED

MOVED by Mr. Pratt to approve the site plan with following conditions:

- Ambit Engineering signoff on the final plans
- Agreement with the Department of Public Works regarding the curbing
- The Plan reflects the landscaping plan agreed to with the abutter
- Existing trees are marked
- There is adequate lighting for the parking area depicted on the plans.
- The discrepancy between the site plan and the architectural plan is resolved.
- The applicant will mow and clean debris out of the retention pond at least once a year.
- The applicant will clean out the wetland area of all construction material, debris, garden and lawn clippings.
- There will be monumentation at 50-foot intervals along the wetland boundaries.
- Use of Wetlands Conservation District markers along the wetland buffer at the owners' expense.
- Per the state Shoreland Protection Act, no more than 50% of the trees shall be cut within a 20-year period.
- Lawn care must follow the guidelines set forth in the Shoreland Protection Act. Grass clippings will not be placed in the buffer or in the wetlands.
- Proper erosion control will be in place before construction begins and remain in place until the area is stabilized and removed after construction is complete. (Silt fence and hay bales)
- The buffer should remain undisturbed to the degree possible in the process of construction and elevations not be changed. No additional fill is allowed. No change in elevation is allowed using existing fill.
- Prior to c/o, spot elevation grades shall be submitted.
- There are to be no additional structures such as sheds, swimming pools, gazebos, patios or other sealed surface in the buffer, other than that shown on the plan. A new Special Permit is required for the erection of any structure in the buffer.
- The Conservation Commission will be notified in writing upon commencement and completion of the project and before occupancy permit is issued.

SECOND by Mr. Gillick

VOTE: 7-0-0

MOTION PASSED

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Attorney Donahue asked for confirmation that the Board, in light of Ambit Engineering's recommendation, is comfortable with leaving the trees on the berm. The Board indicated that leaving the trees is acceptable.

III. CONSIDERATION OF MINUTES of June 15, 2005

The Chairman recommended that review of the minutes be postponed to the next meeting.

IV. CORRESPONDENCE

MOVED by Mr. Gillick that recommendations from the Department of Public Works with respect to bonds be approved. There was no second to this motion.

- Bond Release Request – US Gas – 639 Lafayette Road

MOVED by Mr. Gillick to release the bond

SECOND by Mr. Higgins

VOTE: 7-0-0

MOTION PASSED

- Bond Release Request – Dunkin Donuts – 369 Lafayette Road Map 175 Lot 2

Mr. Lessard requested that the owner present his plan for a place of refuge with respect to the crosswalk.

Mr. Fougere distributed the approved plan, depicting the issue previously discussed regarding a ribbed crosswalk. The Board's concern is that the crosswalk is wide open. The small island at the entrance is not constructed. There is no point of refuge. Board members indicated that the paint placed on the crosswalk has faded.

The owner indicated he was not aware of the fact that the sidewalk work had not been completed. The Board discussed alternative solutions to the problem.

Chairman Emerick suggested that the owner meet with the Department of Public Works and agree on an appropriate method of delineating the crosswalk. The Board doesn't want it just painted. Mr. Viviano suggested that the Planning Board draft a memo to the Department of Public Works, describing the Planning Board's concern with respect to public safety at the crosswalk. Then the Department of Public Works could meet with Dunkin Donuts and reach agreement on a solution.

The owner indicated that he would meet with Mr. Hangen on this issue.

The owner then indicated that the tenant would like to put out a granite bench and table in the front of the property. The Board indicated they had no issue with it but to check with the Building Inspector.

- Bond Request – DeNiro Construction

Mr. Fougere indicated that the Department of Public Works would like a bond for \$175,000.

MOVED by Mr. Gillick to accept a bond in the amount of \$175,000.

7/24/2005

SECOND BY Mr. Viviano

VOTE: 7-0-0

MOTION PASSED

- Bond Request – Lincolnshire

Mr. Fougere indicated that the Department of Public Works would like a bond for \$34,925.

MOVED by Mr. Gillick to accept a bond in the amount of \$34,925.

SECOND by Mr. Viviano

VOTE: 7-0-0

MOTION PASSED

- Sanders & McDermott

Mr. Fougere indicated that back in the 1980's a plan was approved for a 3-phase building project. Two of the phases were built but the third was not. The owners have asked to build a rectangle at the end of the building in lieu of what was originally approved with the same square footage. It was the consensus that the owners will need to submit a new application.

III. OTHER BUSINESS

None

MOVED by Mr. Gillick to adjourn

SECOND by Mr. Higgins

VOTE: 7-0-0

MOTION PASSED

Meeting adjourned at 10:25 PM.

Respectfully Submitted,
Barbara Renaud
Planning Board Secretary